



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

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| JOHN FIELDS, | § | |
| Petitioner, | § | |
| | § | |
| vs. | § | |
| | § | Civil Action No. 0:19-01300-MGL |
| | § | |
| T. BRAGG, <i>warden of FCI Bennettsville</i> , | § | |
| Respondent. | § | |
| | § | |

**ORDER REJECTING THE REPORT AND RECOMMENDATION
AND DISMISSING PETITIONER'S CASE WITH PREJUDICE**

Petitioner John Fields (Fields), proceeding pro se, filed this action asserting a habeas corpus claim under 28 U.S.C. § 2241. This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Respondent T. Bragg's (Bragg) motion for summary judgment be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on October 17, 2019. Fields filed his Objections to the Report (Objections) on January 31, 2020, and Bragg filed a reply to the Objections (reply) on April 27, 2020. The Court has reviewed the Objections and reply, but determines no case or controversy currently exists. It will therefore enter judgment accordingly.

To understand the case, it is important to review the relevant filings in this case.

On October 2, 2019, just prior to when the Magistrate Judge filed the Report, Fields notified the Court through a letter he would be switching correctional institution assignments and would notify the Court of his new assignment when known.

On October 17, 2019, the Magistrate Judge issued the Report, which recommended granting Bragg's motion for summary judgment. In Field's petition, he asked for 253 days of credit for time served. In Bragg's motion for summary judgment, and declaration submitted with the motion, he argued Fields was ineligible for the relief he sought. The Magistrate Judge, relying on a declaration submitted on behalf of Bragg, found Fields was ineligible for his requested time-served credit. The Court adopted the Report on November 12, 2019.

On November 15, 2019, after the Court adopted the Magistrate Judge's Report, Field's notified the Court of his new Bureau of Prisons assignment.

On December 2, 2019, Fields filed a motion to vacate the summary judgment order, arguing he never received the Report because of his transport between correctional institutions. On January 31, 2020, Fields filed his objections to the Report. On April 15, 2020, the Court granted Field's motion to vacate and granted the motion for extension of time to file objections, making Fields's previously filed objections timely.

In its April 15 order, the Court invited Bragg to respond to the Fields's Objections filed. On April 27, 2020, Bragg filed his reply. In that filing, Bragg revised his previous position and stated it would credit Fields with all but four days of credit requested by Fields.

On June 5, 2020, Fields filed a reply, indicating he no longer had any objections.

In his response, Bragg's presentation of the facts, and his legal argument, changed from those presented in his motion for summary judgment. Accordingly, through no fault of the Magistrate Judge, the Court will reject the Report.

Given Fields no longer objects to the current computation of his sentence, the Court fails to identify any remaining case or controversy. Accordingly, the Court will reject the Report and dismiss the petition with prejudice. *See Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990) (“[F]ederal courts may adjudicate only actual, ongoing cases or controversies.”).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court rejects the Report. Therefore, it is the judgment of the Court Field's petition is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed this 30th day of June 2020 in Columbia, South Carolina.

s/ Mary Geiger Lewis _____
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within sixty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.